

STATE OF RHODE ISLAND  
DEPARTMENT OF ADMINISTRATION  
DIVISION OF MOTOR VEHICLES

**RHODE ISLAND MOTOR VEHICLE  
SAFETY AND EMISSIONS CONTROL REGULATION NO. 1**

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vehicle for the sole or primary purpose of reducing emissions (not including those vehicle components which were in general use prior to model year 1968 and the primary function of which is not related to emission control).

- 1.1.11 "Exchange engine" means an engine other than the specific engine originally installed by the vehicle manufacturer.
- 1.1.12 "Exhaust emissions standard" means the maximum allowable levels of carbon monoxide, hydrocarbons and oxides of nitrogen appropriate for the age and type of vehicle tested.
- 1.1.13 "Fleet vehicle" means a nonexempt motor vehicle owned or leased by a fleet owner or operator.
- 1.1.14 "Gross vehicle weight rating (GVWR)" is the weight value specified by the vehicle manufacturer on the Federal weight certification label as the loaded weight of a vehicle.
- 1.1.15 "Hearing Board" means a board comprised of three (3) members as designated by the Administrator of Motor Vehicles to conduct hearings required by these regulations.
- 1.1.16 "Homemade Vehicle" means a vehicle which has been materially altered from its original configuration so that it cannot be visually identified as a vehicle produced by a particular vehicle manufacturer; or a vehicle constructed entirely from homemade parts, or parts from one or more vehicles, or constructed by the use of custom kits and which cannot be identified as a specific make or model.
- 1.1.17 "Inspection" means the testing of the exhaust and functional emission controls along with a safety inspection of a subject vehicle.
- 1.1.18 "Inspection report" means a document or device automatically generated as a result of the enhanced safety and emission inspection, containing detailed inspection information.
- 1.1.19 "Inspection station" means a facility for motor vehicle safety, on-board diagnostics and emissions inspection operated by an AIRS.
- 1.1.20 "IM240" means the transient dynamometer schedule described in EPA Report number EPA-AA-EPSP-IM-93-1 April 1994.
- 1.1.21 "Model-year" means the manufacturer's annual production

- 1.1.32 "Remote Sensing Device" is a device which directs an infra-red or laser beam across a lane of traffic to instantly detect and read the concentrations of pollutants in a vehicle's exhaust.
- 1.1.33 "Safety and emission inspection program" means an enhanced vehicle emission inspection program as defined by the Environmental Protection Agency including, but not limited to, a network of computerized emission analyzers, on-road testing, and inspection of vehicle safety devices through an inspection program.
- 1.1.34 "Tampering" means the removal, disconnection, or rendering inoperative a safety or emission control device.
- 1.1.35 "Test" and "testing" mean the use of analyzers and diagnostic equipment as appropriate and the application of techniques, methods policies and procedures established or approved by the Department for the purpose of comparing emission levels and/or operating systems in vehicles to regulatory safety and emission standards.
- 1.1.36 "Transient dynamometer emission test" means the quantitative measurement and comparison to established standards of a vehicle's exhaust emissions over a specified maximum time period while operating the vehicle on an inertia weight loaded dynamometer over a specified driving cycle.
- 1.1.37 "Vehicle identification number" and "VIN" means a combination of letters and numbers a vehicle manufacturer assigns to a vehicle for identification purposes.
- 1.1.38 "Waiver certificate" means a written document, instrument or device indicating the requirement of compliance with the standards and criteria for the Rhode Island I/M Program inspection for a particular motor vehicle has been waived.
- 1.1.39 "Waiver inspector" means a Department employee or designee who reviews, issues and audits waiver requests.
- 1.1.40 "Year" means a calendar year.

- (a) motor vehicles of all weight classes and model years; and,
- (b) all motorcycles shall be inspected for safety items before the end of June of each year; and,
- (c) all trailers, except trailers and semi-trailers used to transport horses or other livestock, registered with a gross weight of more than 1,000 pounds, shall be inspected for safety items before the end of June of each year; and,
- (d) all trailers and semi-trailers used to transport horses or other livestock, irrespective of the registered gross weight, shall be inspected for safety items before the end of June of each year.

#### 1.2.5 Safety, Emissions and On-board Diagnostics

These regulations shall apply to the following for safety and emissions:

- (a) any motor vehicle fleet owner or operator including all federal, state and municipal fleets;
- (b) any motor vehicle owned or controlled by a dealer when operating on the highways of Rhode Island with a dealer registration, loan agreement, or as a demonstration vehicle;
- (c) motor vehicles capable of operating on gasoline or another fuel, excluding diesel, shall be tested for emissions when the vehicles is operating on gasoline;
- (d) a voluntary inspection of Rhode Island registered vehicles and vehicles registered in other states is allowed. Rhode Island registered vehicles may be presented for voluntary inspection at any time prior to expiration date of the inspection sticker which is affixed to the vehicle or before the expiration of a manufacturer's safety and/or emissions warranty. Vehicles not registered in Rhode Island which are presented for inspection shall be inspected in accordance with all regulations for Rhode Island registered vehicles;
- (e) owners and lessees of Rhode Island registered motor vehicles subject to this regulation, registered in the Town of New Shoreham, (Block Island) with a New Shoreham address, shall have their vehicle under go an

state;

- 1.3.11 a motor vehicle owned or controlled by a dealer for the first five (5) days after the vehicle is owned or controlled by the dealer, or
- a motor vehicle owned or controlled by a dealer if the vehicle is in compliance for emissions inspection and displays a valid Rhode Island inspection sticker, or
- a motor vehicle owned or controlled by a dealer if the vehicle is without a valid emissions inspection sticker but is not operated on the highways of Rhode Island; and,
- 1.3.12 other vehicles at the discretion of the Department for portions of an inspection cycle to advance or delay inspection in order to match registration and inspection cycles.

The following vehicles shall be exempt from the safety inspection portion of these regulations:

- 1.3.13 a new motor vehicle until twenty-four (24) months after its date of initial purchase or 24,000 miles, whichever occurs first;
- 1.3.14 motorized wheelchairs;
- 1.3.15 tactical military vehicles;
- 1.3.16 farm tractors;
- 1.3.17 special mobile equipment which is not required to be registered per R.I.G.L. 31-38-14 (2).
- 1.3.18 vehicles which may not be available for inspection when temporarily out of state. A temporary exemption from safety and emissions inspection does not extend the registration deadline of a vehicle. The operator must obtain a safety and emissions inspection within five (5) days of returning to the state;
- 1.3.19 a motor vehicle owned or controlled by a dealer for the first five (5) days after the vehicle is owned or controlled by the dealer, or
- a motor vehicle owned or controlled by a dealer if the vehicle is in compliance for safety inspection and displays a valid Rhode Island inspection sticker, or
- a motor vehicle owned or controlled by a dealer if the vehicle is without a valid safety inspection sticker but is not operated on

#### 1.4.1 Inspection Frequency

Motor vehicles subject to the Rhode Island I/M Program shall be inspected biennially except as described in section 1.2 of these regulations.

#### 1.4.2 Registration

The Administrator of the Division of Motor Vehicles shall establish a procedure to prohibit owners from registering a motor vehicle except those exempted in section 1.3 of these regulations, unless a required inspection has been conducted and the vehicle has been found to comply with the requirements of these regulations.

A certificate of approval (an inspection sticker) will be issued to vehicle operators whose vehicles have passed inspection and are in compliance with these regulations. The inspection sticker shall be placed in the lower right of the windshield.

#### 1.4.3 Inspection Fee

Operators shall be charged an inspection fee of \$39.00 dollars per motor vehicle at the time of inspection, except that operators of vehicles subject to section 1.2 shall be charged an inspection fee of \$23.50. The inspection fee must be paid for each motor vehicle inspected and is payable whether a compliance certificate, waiver certificate, or no certificate is issued.

#### 1.4.4 Inspection Requirements

Vehicles subject to the Rhode Island I/M Program shall be inspected using the standards, criteria and procedures for the safety test as established by the Department, and for exhaust emissions test, evaporative emissions test, and on-board diagnostics inspection as described in Air Pollution Control Regulation No. 34. Initial inspections in a test cycle shall be performed at an AIRS without repair, or adjustment prior to the test.

#### 1.4.5 Inspection Prohibited

The AIRS shall refuse to perform the inspection of any vehicle subject to the Rhode Island I/M Program if the vehicle is determined by the AIRS to be in such an unsafe condition as to be a hazard to inspection personnel and/or the vehicle operator, or a vehicle owner has not had repairs completed under a recall notice. The owners of vehicles with an unresolved recall notice must provide proof of compliance to an AIRS before an inspection can be conducted.

The vehicle shall not be inspected until the reason for the refusal has been remedied. The AIRS shall provide any motorist who is refused an emissions inspection a copy of an emissions inspection report supplement as described in

The Administrator of the Division of Motor Vehicles shall establish requirements and procedures to be followed by vehicles owners in order to obtain a registration or to transfer a registration for a motor vehicle subject to these regulations

(b) Sale of Non-Complying Used Vehicles

A dealer shall not sell a used vehicle that is subject to the Rhode Island I/M Program unless a new inspection of the vehicle has been conducted and a compliance certificate has been issued in accordance with these regulations. A new inspection shall be construed to be an inspection conducted no more than ninety (90) calendar days prior to the date of sale of a vehicle, or an inspection conducted at a point no more than 500 vehicle odometer miles prior to the date of sale, whichever shall occur first.

1.5. Emission Standards and Criteria

Vehicles subject to the Rhode Island I/M Program shall be governed by the following standards and criteria for emissions inspection, RI2000 emissions testing procedures, dynamometer procedures and on-board diagnostic testing procedures.

- 1.5.1 The AIRS shall adhere to the Exhaust Emissions and Evaporative Testing Procedures as specified in Air Pollution Control Regulation No. 34.
- 1.5.2 A vehicle shall pass the Exhaust Emissions and Evaporative Emissions Test if the result of the test for each pollutant complies with the emission standard and criteria applicable to that vehicle listed in Air Pollution Control Regulation No. 34.
- 1.5.3 The AIRS shall adhere to the Vehicle Preparation Procedures as specified in Air Pollution Control Regulation No. 34.
- 1.5.4 The AIRS shall adhere to the Dynamometer Procedures as outlined in the Air Pollution Control Regulation No. 34.
- 1.5.5 The AIRS shall adhere to the On-Board Diagnostic Test Procedure as specified in DEM Air Pollution Control Regulation No. 34.
- 1.5.6 The AIRS shall adhere to the operational procedures outlined in the Division of Motor Vehicles (DMV) Motor Vehicle Inspection Manual.

1.6. Safety Inspection Standards and Criteria

The AIRS shall adhere to the Safety Inspection Procedures as specified in the



- (r) any vehicle preconditioning performed;
- (s) exhaust emissions test start time on the dynamometer and the time final exhaust emissions were determined;
- (t) exhaust emission test results and standards for the vehicle and a pass/fail determination;
- (u) instructions indicating that the report is to be returned to any inspection station upon reinspection;
- (v) a statement indicating the availability of emissions performance warranty coverage as required in Section 207 of the Clean Air Act;
- (w) space to indicate any repairs which were performed including the name and identification number of the repairer or the Certified Inspection Repair Technician who performed the repairs;
- (x) space to indicate the cost of parts and labor for emission-related repair(s);
- (y) advisory diagnostic information including a graphic depiction of the emissions trace over the test cycle; and,
- (z) other information as the Department may reasonably require to enable it to determine compliance with these regulations.

#### 1.7.2 Addendum for Vehicles that Fail Emissions Inspection

The inspection report for vehicles that fail the inspection shall include the items enumerated in 1.7.1 and shall include the following:

- (a) instructions indicating that the vehicle should be repaired and returned to an AIRS for a reinspection and that the reinspection will be free of charge if reinspected at the AIRS that conducted the inspection if returned within 30 days;
- (b) an explanation of the repair cost limit for emission related repairs;
- (c) instructions for waiver applicants; and,
- (d) the likely causes of noncompliance, whether obvious, or determined by software generated and interpretive diagnostic information.

Mechanism); and,

- (g) If a compliance certificate is not issued, nor a waiver certificate issued, nor a time extension issued the Department shall not register the vehicle, nor shall the vehicle be operated on the highways of Rhode Island.

#### 1.7.5 Evidence of Inspection Compliance

Operators shall always carry any certificate issued under these regulations in an easily accessible place in or about the vehicle for which the certificate was issued. Evidence of inspection compliance shall consist of a certificate of compliance or a waiver certificate or an inspection sticker. Any law enforcement officer or an agent of Department may demand and inspect any certificate issued under these regulations.

### 1.8. Challenge Mechanism

1.8.1 A motorist who desires to contest the results of an inspection or a reinspection may do so by requesting an appointment to have their vehicle inspected under Department supervision.

1.8.2 The AIRS shall provide written information on how any motorist who indicates a desire to challenge an inspection or a reinspection may obtain an appointment for a challenge inspection. The AIRS shall post this information in a location accessible and convenient to motorist.

### 1.9. Waivers

#### 1.9.1 Waiver Requirements and Conditions

The Director or a designee shall issue Waiver Certificates to the operators of those vehicles satisfying all requirements in this Section. The following waiver requirements and conditions shall apply:

- (a) A motor vehicle which, after inspection or reinspection, fails to comply with the appropriate emissions standards and criteria as set forth in Section 1.5 of these regulations shall be eligible to obtain a waiver certificate, provided that the cost of emissions related repairs performed exceeds the repair cost limit.
- (b) The cost of emissions related repairs may include the cost of repairs made after the inspection or the cost of emission related repairs made up to sixty days (60) days prior to the inspection. The cost of repairs shall not include any costs covered by an emission performance, or device warranty, or the cost of tampering reversal.

vehicle certification are in place and are functioning as designed; and,

- (b) that no additional emission related repairs are reasonably possible; or,
- (c) that no further repairs can be made because the parts required for the repairs are no longer manufactured.

A waiver certificate issued under this section shall be effective for only one inspection cycle.

#### 1.10 Financial Accounting

(reserved)

#### 1.11 Document Security

The AIRS shall be responsible for the maintenance of the security of all documents by which compliance with the inspection requirement is established including, but not limited to, compliance certificates and waiver certificates.

#### 1.12 Prohibitions and Penalties

The Director or a designee, shall suspend the registration of any vehicle owner or lessee who is determined to be in violation of this regulation or who, after notice, does not comply with these regulations.

These regulations establish the following prohibitions and consequential penalties for violations of any rule or regulation contained herein.

##### 1.12.1 Prohibitions

###### (a) False Information

No person shall knowingly give false information to a CIRT or CIT or the Department concerning the repair costs or repairs needed to bring a motor vehicle into compliance with the standards and criteria for motor vehicle emissions inspections.

###### (b) Illegal Issuance

No person may issue a compliance certificate or waiver certificate for a motor vehicle that has not been inspected in accordance with or is not in compliance with the standards and criteria for motor vehicle emissions.

###### (c) Counterfeit Inspection Documents

No person may alter, falsify, or counterfeit a compliance certificate or

(b) Motor Vehicle Operator Penalties

Any owner or lessee of a motor vehicle who operates their vehicle on the highways of Rhode Island that is not in compliance with these regulations shall be subject to a fine of no more than one thousand dollars (\$1,000.) for each violation.

1.13. Proceedings for Enforcement

1.13.1 Jurisdiction - Criminal Penalties

The Sixth District Court shall have jurisdiction to enforce the criminal penalty provisions of these regulations.

1.13.2 Jurisdiction - Administrative Penalties

The Sixth District Court shall have jurisdiction to enforce the provisions of these regulations.

1.14. Authorization and Certification

Emissions inspectors and emissions inspection locations seeking authorization as an AIRS, CIRT or CIT must be certified by the Department prior to conducting official inspections or emissions repairs when those repairs are to be applied to the repair cost limit. Completion of inspector training and passing of all required tests shall be a condition of certification. Certification may be withdrawn for good cause at any time.

1.14.1 Authorized Inspection Repair Station

(a) Requirements

A repair facility which is authorized as an Authorized Inspection Repair Station (AIRS) shall provide necessary space, tools, testing equipment, liability insurance, signage, repair reports and copies of the Rhode Island I/M Program rules and regulations as may be designated and required by the Department. At least one CIRT or CIT shall be available during the AIRS normal business hours.

(b) Application

Application for authorization shall be made on an official application form designated by the Department. Authorization shall be granted when the applicant demonstrates the ability to meet the requirements of section 1.14.1(a) and meets and maintains the criteria required under the AIRS contract. No authorization may be assigned, transferred or used at any location other than the location designated on the original application. The authorization may be withdrawn by the Department for good cause at any time.

A person found to be in violation of the provisions of these regulations shall be subject to a suspension under the following penalty schedule:

(a) First Violation

A person found to be in violation of the provisions of these regulations for the first time shall be subject to a suspension of authorization to inspect motor vehicles for a minimum of ten (10) days.

(b) Second Violation

A person found to be in violation of the provisions of these regulations for the second time shall be subject to a suspension of authorization to inspect motor vehicles for a minimum of thirty (30) days.

(c) Third and all Subsequent Violations

Persons found to be in violation of the provisions of these regulations for a third time and for each subsequent time shall be subject to a suspension of authorization to inspect motor vehicles for a minimum of six months (180) days for each separate violation.

In addition to the suspension penalties the Administrator may, at his discretion, impose a fine of up to \$1,000 (see section 0.14.2 (a) "General Penalties"). Reinstatement may be requested at the end each suspension period. The reinstatement shall be at the discretion of the hearing board or the Administrator.

#### 1.15.4 Failure to Comply

If such person shall thereafter fail to comply with the order of the Department, the Superior Courts for the State of Rhode Island shall have jurisdiction upon complaint of the Department to restrain and enjoin such person from violating this chapter.

#### 1.15.5 Appeals

Any Authorized Inspection Repair Station (AIRS) or any other person dissatisfied by any order of the Hearing Board or Department may within ten (10) days after receiving an order, file a request for review with the Director of the Department of Administration and thereafter with the Superior Court, not inconsistent with these regulations and Rhode Island General Laws, Chapters 42-35.

#### 1.17.2 Application

The application for Certified Inspection Technician must be on an official form designated by the Department. The application is for an individual not a corporate or company application. The designation as a Certified Inspection Technician may be withdrawn by the Department for good cause at any time.